

Remarks

The courtesy afforded the applicant and the applicant's representative during the interview on January 17, 2008 is acknowledged with thanks. During the interview, the applicant demonstrated the claimed device and discussed and distinguished the references, notably HETRICK. Examiner Lewin and her supervisor had several suggestions for improving the claims, which have been implemented in the present amendment.

The indication that claims 7-8 include patentable subject matter is acknowledged with thanks.

Claim 1 has been amended to include a rod (page 8, line 4) on which the first strap is longitudinally displaceable during operation of the exercising device when the first strap is carrying the counterweight of a user pulling on the loops (page 4, lines 24-30 and page 5, lines 19-26). In addition, the last limitation in claim 1 has been amended to correct an error that was made when bringing claim 2 into claim 1 in the previous amendment and to further clarify the operation of the handles.

New claims 18-26 have been added. Support is found at page 4, line 31 through page 5, line 18, in Figures 5-6, and at page 7, lines 31-38.

The Official Action objects to 9-11 that are alleged to be duplicates of claims 3-6. Claims 9-11 have been canceled and reconsideration and withdrawal of the objection are respectfully requested.

Claims 1, 4, 6, 10, and 14-17 were rejected as unpatentable over HETRICK 2004/0204300 in view of TRENT 4,245,839. Claims 3 and 9 were rejected further in view of DUNSTON 4,060,240 in view of HINDS 4,779,867. Claims 5 and 11-13 were rejected further in view of BRAATHEN 5,133,700. Reconsideration and withdrawal of the rejections are respectfully requested in view of the present amendment and the following remarks.

The combination of HETRICK and TRENT does not disclose or suggest amended claim 1; specifically the combination does not disclose or suggest replacing the fabric loop 415 of HETRICK (Figure 4) with a rod on which the first strap is longitudinally displaceable during operation of the exercising device when the first strap is carrying the counterweight of a user pulling on the loops. HETRICK relies on frictional restraint to hold the strap 429 in position relative to loop 415 (Figure 4; paragraphs 0008, 0051, and 0052). HETRICK specifically increases the friction between these parts, "allowing the lengths to not change" (paragraph 0051; emphasis added). As is clear from HETRICK, the strap 429 is not longitudinally displaceable during operation of the exercising device when carrying the counterweight of a user pulling on the loops. Indeed, HETRICK teaches away from allowing the claimed longitudinal displacement so that one of skill in the art would not be motivated to change the arrangement in HETRICK to include a rod on which the first

strap is longitudinally displaceable during operation of the device. This would defeat the purpose of the device in HETRICK and make it unusable for its intended purpose. The other references do not make up for this shortcoming.

The proposed combinations also do not disclose that one of the plural loops attached to the first strap has a length/circumference in the interval 110-180 cm to extend around a waist of a user, where this one loop has a tubular handle and a second strap that has a larger width than an internal diameter of the tubular handle so that the tubular handle maintains a position on the second strap to which the tubular handle has been displaced when the loop extends around a waist of a user (see, for example, Figure 3.) The knowledge that a loop can extend around a user's waist (TRENT) is not motivation to provide this loop with the claimed width to maintain the displaced position of the handle when the loop is around the user's waist as in amended claim 1.

Accordingly, amended claim 1 avoids the rejection under §103.

The dependent claims are allowable by virtue of their dependence on claim 1, with claims 7-8 already being indicated as allowable.

New claims 19-26 have been added and are allowable for the reasons given above. Claim 20 is further allowable because the references do not disclose or suggest that the shackle

includes a U-shaped member and three rods arranged as claimed. The references also do not disclose or suggest the friction-setting coating on the rod as in claims 21 and 25, or the length of the carrier relative to the shackle as in claims 22 and 23. New claim 24 includes the three rods of allowable claim 8 and new claim 26 includes the sleeve of allowable claim 7. Independent claim 23 is further allowable because the references do not disclose or suggest the specific length of the first strap, the second strap and buckle arrangement as claimed, the shackle and rod for the reasons given above, and the second handle for the reasons given above.

Consideration and allowance of the new claims is respectfully requested.

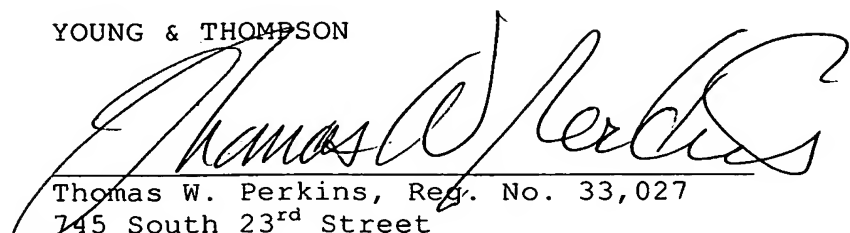
In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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